

REMARKS

In an Office Action dated October 5, 2004, the Examiner indicates claims 1-18 are rejected on double patenting grounds. Claims 1, 4-10, 12-15 17 and 18 are further rejected on prior art grounds. In response, Applicant files the present Reply with Remarks. Entry and consideration hereof are respectfully requested. The Examiner's particular rejections are now addressed in turn.

In the present office action, claims 1, 8-10, 12-15 and 17 are rejected under the doctrine of obvious-type double patenting, as being unpatentable over claims 1 and 6-8 of U.S. Patent 6,727,871 to Suzuki, *et al.* (hereinafter "Suzuki").

The Examiner also rejects claims 2-7, 11, 16 and 18 under 35 U.S.C. 101 on double patenting grounds as allegedly claiming the same invention as that of claims 2-5 and 9 of Suzuki.

Claims 1, 4-10, 12-15, 17 and 18 are further rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,492,778 to Segawa (hereinafter "Segawa").

The present application was filed on January 26, 2004, including: specification, drawings, oath or declaration, Information Disclosure Statement and Preliminary Amendment. In the Preliminary Amendment, Applicant canceled claims 1-18 and entered new claims 19-27. Therefore, the pending claims of the present application are claims 19-27.

Applicants respectfully disagree with the Examiner's rejections and submit that claims 1-18 cited by the Examiner in the Office Action are not pending in the present application. Thus, the Examiner's rejections of claims 1-18 are improper and must be withdrawn. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

It is noted that, in the provisional obviousness-type double patenting rejection discussed above, the Examiner cites U.S. Patent 6,727,871 to Suzuki, *et al.* and "'595" as references. While Applicants recognize the Suzuki reference, the source of the

"595" reference is unclear. Applicants could not identify a document number with "595" in the Information Disclosure Statement nor Examiner's Notice of References cited. Applicant respectfully requests clarification of the "595" reference.

Also, Applicants note that the obviousness-type double patenting rejection is indicated as being *provisional*. However, the Suzuki reference relied upon in issuing the rejection is a granted patent. Accordingly, the rejection should not be made provisional. See, e.g., MPEP §804. Here again, the Examiner's clarification is requested.

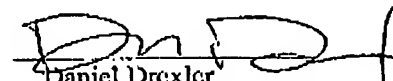
All of the rejections are herein overcome as they apply to non-pending claims.

The Examiner is invited to contact Applicants' attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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